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AUG 20 2007

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TO: Examiner Dong Jiang, Ph.D.
Examining Group 1646 **FROM:** Glenn P. Ladwig
Patent Attorney
Registration No. 46,853

COMPANY: United States Patent and
Trademark Office **DATE:** August 20, 2007

FAX NO.: 571-273-8300 **NO. OF PAGES**
(INCLUDING COVER SHEET): 3

SUBJECT/MESSAGE:

Re: U.S. Patent Application Docket No. C&R-108
IL-8-LIKE PROTEINS
Serial No.: 10/540,180; Date filed: June 17, 2005
Applicants: Fagan, Phelps, Davies, Yorke

Submission to PTO:

1. Election under 35 U.S.C. §121 (2 pages)

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Glenn P. Ladwig
Glenn P. Ladwig, Patent Attorney

ELECTION UNDER 35 U.S.C. §121

Examining Group 1646
Patent Application
Docket No. C&R-108
Serial No. 10/540,180

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Dong Jiang, Ph.D.
 Art Unit : 1646
 Applicants : Richard Joseph Fagan, Christopher Benjamin Phelps,
 Mark Douglas Davies, Melanie Yorke
 Serial No. : 10/540,180
 Filed : June 17, 2005
 Constat. No. : 1199
 For : IL-8-Like Proteins

MS AMENDMENT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

ELECTION UNDER 35 U.S.C. §121

Sir:

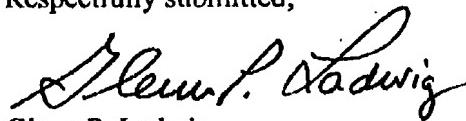
In response to the written restriction requirement dated July 20, 2007, the applicants hereby elect to prosecute the Group I claims, e.g., claims 46, parts a) and i), 65, and 66, drawn to a composition comprising a polypeptide. The applicant further elects, with traverse, SEQ ID NO:10 as the specific amino acid sequence.

The applicants respectfully traverse the restriction requirement and request that the Examiner rejoin the amino acid sequence of SEQ ID NO:12 such that both the sequences of SEQ ID NO:10 and SEQ ID NO:12 be examined in the subject application. The assertion in section 2 at page 4 of the written restriction requirement that the various SEQ ID NOs are unrelated is incorrect. As indicated at page 59, lines 24-39, of the specification, the amino acid sequence of SEQ ID NO:12 is a portion or subsequence of the amino acid sequence of SEQ ID NO:10.

These sequences do share a special technical feature within the meaning of PCT Rule 13.2. It is respectfully submitted that rejoinder of SEQ ID NO:12 would not create an undue search or examination burden on the Examiner or the Patent Office.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



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